

from using nonpublic information derived from their official positions for personal benefit, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The yeas and nays resulted—yeas 96, nays 3, as follows:

[Rollcall Vote No. 56 Leg.]

#### YEAS—96

Akaka	Gillibrand	Moran
Alexander	Graham	Murkowski
Ayotte	Hagan	Murray
Barrasso	Harkin	Nelson (NE)
Baucus	Hatch	Nelson (FL)
Begich	Heller	Paul
Bennet	Hoeven	Portman
Bingaman	Hutchison	Pryor
Blumenthal	Inhofe	Reed
Blunt	Inouye	Reid
Boozman	Isakson	Risch
Boxer	Johanns	Roberts
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Johnson (WI)	Rubio
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Sessions
Casey	Kyl	Shaheen
Chambliss	Landrieu	Shelby
Coats	Lautenberg	Snowe
Cochran	Leahy	Stabenow
Collins	Lee	Tester
Conrad	Levin	Thune
Coons	Lieberman	Toomey
Corker	Lugar	Udall (CO)
Cornyn	Manchin	Udall (NM)
Crapo	McCain	Vitter
DeMint	McCaskill	Warner
Durbin	McConnell	Webb
Enzi	Menendez	Whitehouse
Feinstein	Merkley	Wicker
Franken	Mikulski	Wyden

#### NAYS—3

Burr	Coburn	Grassley
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#### NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to refer falls as inconsistent with cloture.

Under the previous order, all postcloture time is yielded back, the motion to concur in the House amendment with amendment No. 1940 is withdrawn, and the motion to concur in the House amendment is agreed to.

Under the previous order, the motion to reconsider is considered made and laid upon the table.

#### EXECUTIVE SESSION

#### NOMINATION OF DAVID NUFFER TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH

#### NOMINATION OF RONNIE ABRAMS TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

#### NOMINATION OF RUDOLPH CONTRERAS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations which the clerk will report.

The bill clerk read the nominations of David Nuffer, of Utah, to be United States District Judge for the District of Utah; Ronnie Abrams, of New York, to be United States District Judge for the Southern District of New York; and Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Madam President, the Senate is about to vote on the nomination of David Nuffer to fill a judicial emergency vacancy on the Federal trial court for Utah. This is not a nomination that should have been filibustered or required the filing of a cloture motion in order to be scheduled for consideration by the Senate. This is a nomination, reported unanimously by the Judiciary Committee over 5 months ago, that we should have voted on and confirmed last year.

Today's consideration was facilitated when the majority leader and the republican leader came to an understanding last week. With a judicial vacancies crisis that has lasted years, and nearly one in 10 judgeships across the Nation vacant, the Senate needs to work to reduce judicial vacancies significantly before the end of the year.

Unlike the nearly 60 district court nominees of President Bush who were confirmed within a week of being reported by the Judiciary Committee during President Bush's first term, qualified, consensus nominees to fill vacancies on our Federal courts have been needlessly stalled during President Obama's first term. The five-month delay in the consideration of Judge Nuffer is another example of the needless delays that were occasioned by Republicans' unwillingness to agree to schedule the nomination for a vote. The application of the "new standard" the junior Senator from Utah conceded Republicans are applying to President Obama's nominees continues to hurt the America people all over the country who are being forced to wait for judges to fill these important Federal

trial court vacancies and hear their cases. Justice is being delayed for millions of Americans.

This nomination is one of the 20 circuit and district court nominations ready for Senate consideration and a final confirmation vote. They were all reported favorably by the Judiciary Committee after thorough review. All but a handful are by any measure consensus nominations, as is Judge Nuffer. There was never any good reason for the Senate not to proceed to votes on these nominations. It should not have taken cloture motions to get agreement to schedule votes on these qualified, consensus judicial nominations.

Judge Nuffer has been serving over the last 17 years as a magistrate judge for the very court to which he was nominated by the President. By any sensible standard he should be confirmed. No "new standard" should be used to oppose his confirmation. Like Judge Nuffer, the other nominees awaiting votes by the Senate are qualified judicial nominees. They are nominees whose judicial philosophy is well within the mainstream. These are all nominees supported by their home State Senators, both Republican and Democratic. The consequence of these months of delays is borne by the millions of Americans who live in districts and circuits with vacancies that could be filled as soon as Senate Republicans allow votes on the judicial nominations currently before the Senate awaiting their final consideration.

We must continue with the pattern set by last week's agreement. The Senate needs to make progress beyond the 14 nominations in that agreement and beyond the 20 nominations currently on the calendar. There are another eight judicial nominees who have had hearings and are working their way through the committee process. There was another needless delay when Republicans boycotted the Judiciary Committee meeting last week and prevented a quorum while insisting on a meeting to hold over nominees. We will overcome that and have those nominations before the Senate this spring.

I hope the committee will hold hearings on another 11 nominations in the next few weeks. One of those nominees, Robert Shelby, is to fill the other vacancy on the United States District Court for the District of Utah. Whether he is included depends in large measure on the Senators from Utah.

I have assiduously protected the rights of the minority in this process. I have only proceeded with judicial nominations supported by both home State Senators. That has meant that we are not able to proceed on current nominees from Arizona, Georgia, Nevada, Florida, Oklahoma and Utah. I even stopped proceedings on a circuit court nominee from Kansas when the Kansas Senators reversed themselves and withdrew their support for the nominee.

I have been discussing with the junior Senator from Utah whether he will

support the nomination of Robert Shelby. I have yet to receive assurance that he will. His vote today on the Nuffer nomination may provide a clue.

When the Judiciary Committee considered the nomination of David Nuffer, both Republican home State Senators, Senator HATCH and Senator LEE, strongly supported the President's nomination. This is another nomination on which President Obama reached out and consulted with Republican home State Senators. The Senators from Utah supported this nomination when the President made it last year and when after hearing and study it was voted on by the Senate Judiciary Committee. They both serve on the Committee. Had either of them opposed this nomination, I would not have proceeded with it. They supported it. I hope this will not be another occasion on which either switches his vote from yes to no. That is another new practice and new standard that Senate Republicans have seemed to adopt.

By working steadily and by proceeding with the regular consideration of judicial nominations, I hope the Senate ensures that the Federal courts have the judges they need to provide justice for all Americans without needless delay. In the two most recent presidential election years, 2004 and 2008, we worked together to reduce judicial vacancies to the lowest levels in decades. In 1992, with a Republican President and a Democratic Senate majority, we confirmed 66 judicial nominees.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait 3 years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

I went back and checked my recollection of how we considered consensus Federal trial court nominees in President Bush's first term. Nearly 60 were confirmed within a week of being voted on by the Senate Judiciary Committee. By contrast there have only been two judicial nominees voted on so promptly since President Obama took office. I said at the time we were able to vote on the Alabama nominee supported by Senator SESSIONS, who was at that time the Committee's Ranking Republican member, and on Judge Reiss of Vermont, that I hoped they would become the model for regular order. Instead, they stand out as isolated exceptions to the months of delay Senate Republicans have insisted on before considering consensus Federal trial court nominees of this President. Today, the Senate will vote on the nominations of Ronnie Abrams and Rudolph Contreras to fill judicial vacan-

cies in the U.S. District Courts for the Southern District of New York and the District of Columbia. These are both nominations that were reported unanimously by the Judiciary Committee over 4 months ago. They are among the many nominations that could and should have been voted on and confirmed last year.

Today's votes are pursuant to the agreement reached by the majority leader and the Republican leader last week. Although I commend the step forward, the Senate must continue to vote on judicial nominations reported by the Judiciary Committee beyond the dozen encompassed by that agreement, if we are to make significant progress in reducing the vacancies across the Nation that number nearly one in 10.

Just yesterday, I read an article about the crushing caseload that the Federal courts in Arizona currently face. I will ask unanimous consent to include a copy of the article, entitled "Federal courts in Arizona face crushing caseload," in the RECORD at the conclusion of my remarks. In the article, the chief judge of Arizona's Federal trial court noted that they are in "dire circumstances" and that they are "under water" from all the cases on their docket. The report notes that the Federal court not having its full complement of judges "lessens the quality of justice for all parties involved." They are relying on visiting judges from other courts around the country to assist with their court proceedings. In too many places around the country, our Federal courts have to rely on senior judges. Their dedication is commendable but they should not be carrying such heavy workloads.

The needless 4-month delays in the consideration of Ronnie Abrams and Rudolph Contreras are just more examples of the delays that have been occasioned by Republicans' unwillingness to agree to schedule the nominations for a vote. The Senate must return to the practice of moving forward on consensus nominees and of "build[ing] bridges instead of burn[ing] them," as Senator COBURN urged.

The nominations today are two of the 20 circuit and district court nominations ready for Senate consideration and a final confirmation vote. They were all reported favorably by the Judiciary Committee after thorough review. All but a handful are by any measure consensus nominations, as are Ms. Abrams and Mr. Contreras. There was never any good reason for the Senate not to proceed to votes on these nominations. It should not have taken cloture petitions to secure agreement to schedule votes on these qualified, consensus judicial nominations.

Ronnie Abrams is nominated to serve as a Federal trial judge on the Southern District of New York. She is an experienced attorney who spent 10 years as a Federal prosecutor in the district to which she has been nominated. She served as Chief of the General Crimes

Unit and Deputy Chief of the Criminal Division. Since 2008, Ms. Abrams has worked as Special Counsel for Pro Bono at the New York law firm Davis Polk & Wardwell, where she began her legal career after clerking for Chief Judge Thomas Griesa in the U.S. District Court for the Southern District of New York.

Rudolph Contreras is nominated to serve as a Federal trial judge in the District of Columbia. Born to Cuban immigrants, Mr. Contreras has devoted his career to public service for the last 17 years. He worked as an Assistant U.S. Attorney in the District of Columbia and in Delaware. He has risen to be the chief of the Civil Division of the U.S. Attorney's Office for the District of Columbia, where he currently serves. The delay in considering his nomination recalls the 4-month filibuster against the nomination of Judge Adalberto Jordan of Florida. On that nomination, Senate Republicans delayed the vote for another 2 days after cloture was invoked and the filibuster brought to an end. Judge Jordan was then finally confirmed as the first Cuban-American to serve on the U.S. Court of Appeals for the Eleventh Circuit.

The consequences of these months of delays are borne by the nearly 160 million Americans who live in districts and circuits with vacancies that could be filled as soon as Senate Republicans agree to up or down votes on the 20 judicial nominations currently before the Senate awaiting a confirmation vote.

The Senate must continue the actions allowed by last week's agreement. The Senate needs to make progress beyond the nominations included in that agreement, and beyond the 20 nominations currently on the calendar. There are another eight judicial nominees who have had hearings and are working their way through the Committee process. Several of those were needlessly delayed last week when Republicans boycotted the Judiciary Committee meeting and prevented a quorum after insisting on a meeting only to hold over nominees. There are another 11 nominations on which the Committee should be holding additional hearings during the next several weeks. By working steadily and by continuing the regular consideration of judicial nominations represented by last week's understanding between the leaders, the Senate can do its part to ensure that the Federal courts have the judges they need to provide justice for all Americans without needless delay.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait 3 years before a judge

hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

Today's votes are steps in the right direction.

I ask unanimous consent that the article I referenced be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From YumaSun.com, Mar. 17, 2012]

FEDERAL COURTS IN ARIZONA FACE CRUSHING CASELOAD

(By Victoria Pelham)

Federal courts in Arizona are still in "dire circumstances" as an emergency declaration that was supposed to help judges keep pace with a crushing caseload is set to expire.

The judicial emergency declared last year in the wake of the shooting death of Chief Judge John Roll runs out Monday, but officials say the U.S. District Court for the state still faces many of the same challenges.

"The reason that existed last year still prevails this year," Chief Judge Roslyn Silver said recently. "We are still in dire circumstances. We are under water."

The judicial emergency more than doubled the time allowed for the government to bring a case to trial, giving the court some relief from a rising caseload and judicial vacancies in the district.

Through "lots of hard work" and the help of visiting judges, the district court has managed to stay within the original 70-day time frame for cases to come to trial under the Speedy Trial Act and has not had to invoke the 180-day limit allowed under the emergency.

But that balancing act could be thrown off, Silver said, without the extra help the court has been receiving.

"If we don't have that, which is the fail-safe, then we're in big trouble, because there's just no way we could handle this caseload," Silver said.

Arizona had the highest number of per-judge felony filings in the nation in fiscal 2011, at 554 criminal felony filings for each district court judge, according to the U.S. District Court Judicial Caseload Profile for Arizona. That load was fueled in part by the large number of immigration cases handled in the court, experts said.

The court also saw the total number of cases per judge grow by 22 percent in the fiscal year, from 793 to 969, the fourth-highest judicial caseload in the country, the report said.

It came as three of the 13 district judgeships allotted to the state were vacant. Two were empty last January when Roll was killed in the shooting spree at a Tucson supermarket that killed five others and wounded 13, including former Rep. Gabrielle Giffords.

The judicial emergency was declared by Silver after Roll's death. It was extended last February to this March by the Judicial Council of the Ninth Circuit, in an effort to buy the district some breathing room.

President Barack Obama nominated two candidates in June to fill the vacancies, but only one, Judge Jennifer Guerin Zipps, has been appointed. The other nominee, attorney Rosemary Marquez, has been stalled in the Senate.

Brian Karth, the clerk for the district, said filling those vacancies is the minimum needed. He claimed that, according to judicial standards, the district's caseload is high enough to warrant 10 additional judgeships.

In the meantime, the district has had to rely on visiting judges from other districts

across the country, Karth said. One to two judges come each week to assist with court proceedings.

"We continue to struggle to keep within standards, and everybody's basically forced to work harder and try to be resourceful in pulling together resources, sometimes from outside our district, to perform well," Karth said.

"There's certainly a wear and tear on anybody who has to sustain that sort of a pace for lengthy periods," he said.

Walter Nash, a trial lawyer and partner with Nash & Kirchner in Tucson, said the "crushing" caseload in the district is having a serious impact on trials.

"It lessens the quality of justice for all parties involved," Nash said.

Prosecutors have less time to prepare arguments, while victims' cases aren't resolved "as fast as they should be." And judges could be rushed into a decision, meaning some guilty defendants may be acquitted, he said.

The need for new judges will be even greater when Speedy Trial Act provisions are re-instituted next week after the emergency expires, Nash said.

"You get the best result . . . if everyone has time to handle a case properly," Nash said.

Silver agreed that slow trials affect all sectors of the public and courts have an "obligation to ensure justice for all." But with limited resources, space problems in courtrooms, large numbers of criminal cases and other concerns, trials could suffer, with civil trials in particular lagging behind or not getting the attention they deserve.

"So far we're OK, but it will present a problem at some time," Silver said. "We are required to act fairly in every criminal case, but there's only so much we can do."

The emergency cannot be renewed for six months after it expires. Silver said that if things don't improve, officials will have to consider the possibility of renewing.

"There was a reason for it last year, and I expect there'll be a reason for it this year," she said.

Mr. GRASSLEY. Madam President, again, we are moving forward under the regular order and procedures of the Senate. This year, we have been in session for about 32 days, including today. During that time we will have confirmed 12 judges. That is an average of better than 1 confirmation for every 3 days. With the confirmations today, the Senate will have confirmed nearly 74 percent of President Obama's Article III judicial nominations.

Today, we turn to three more judicial nominations. Ronnie Abrams is nominated to be United States District Judge for the Southern District of New York. She graduated with a B.A. from Cornell University in 1990. She received her J.D. from Yale Law School in 1993. Upon law school graduation, she clerked for Honorable Thomas P. Griesa of the United States District Court for the Southern District of New York. From 1994 to 1998 she worked as an associate on civil matters at David Polk and Wardwell. In 1998, Ms. Abrams joined the United States Attorney's Office for the Southern District of New York as an Assistant United States Attorney in the Criminal Division. She handled a variety of criminal cases, including ones involving the sexual exploitation of children, bank robbery, immigration, identity

theft and money laundering. She also served in the Narcotics, Violent Crime and Public Corruption Units. From 2004 to 2008, Ms. Abrams served in a supervisory role at the United States Attorney's Office, as either Deputy Chief or Chief of the Criminal Division. In 2008, Ms. Abrams returned to David Polk and Wardwell as Special Counsel for Pro Bono and represents those without means to represent themselves.

Rudolph Contreras is nominated to be United States District Judge for the District of Columbia. He is a 1984 graduate from Florida State University and received his J.D. in 1991 from the University of Pennsylvania Law School. After graduating from law school, Mr. Contreras joined the litigation department of the law firm Jones Day. In 1994, he became an Assistant United States Attorney in the District of Delaware and the District of Columbia. In that capacity, he has represented the United States and its departments at both the trial level and appellate levels in civil actions. In 2003, Mr. Contreras became Chief of the Civil Division in the District of Delaware. There, he supervises 40 Assistant United States Attorneys, 6 Special Assistant United States Attorneys, and 31 support staffers.

David Nuffer is nominated to be United States District Judge for the District of Utah. He received his B.S. in 1975 and his J.D. in 1978 from Brigham Young University. He began his legal career as an associate at Allen Thompson & Hughes. From 1982 to 1992, Judge Nuffer practiced both criminal prosecution and criminal defense. From 1995 to 2002, he represented municipalities, individuals and businesses in civil litigation. He also served as a part-time United States Magistrate Judge during this time. In 2003, he was appointed to serve as a full-time magistrate judge. In 2009, he became Chief Magistrate Judge. He has presided over 30 cases that have gone to verdict or judgment. While some may complain about the time it has taken to confirm Judge Nuffer, I would note that the President took over a year and a half—576 days—to submit this nomination, once the vacancy occurred.

Mr. HATCH. Madam President, I am pleased that the Senate today will confirm U.S. Magistrate Judge David Nuffer to the U.S. District Court in Utah. Two of the five judicial positions on that busy court have been vacant for some time, and Judge Nuffer will be a welcome addition.

Judge Nuffer has been involved in virtually all aspects of the legal community in Utah. He was in private practice for more than 20 years and has been an adjunct professor at Brigham Young University's J. Reuben Clark Law School since 2001. He has chaired the Utah Judicial Conduct Commission and served on advisory and study committees, task forces, and councils appointed by the Utah Supreme Court. This diversity of experience and commitment to both the bar and the bench

make him well qualified to join the U.S. District Court.

Judge Nuffer has also worked to promote the rule of law internationally, as a consultant and lecturer with the Ukraine Rule of Law Project. I was pleased last year to meet with a group of judges from Ukraine who were in the United States, both Washington and in Utah, as part of this educational program. Our independent judicial system and commitment to the rule of law is unparalleled anywhere in the world.

I also want to note Judge Nuffer's efforts to promote access to the courts through technology. He has definitely been ahead of the curve on this issue. Back in the 1990s, Judge Nuffer directed the Utah Electronic Law Project and served on the Utah Supreme Court's Ad Hoc Committee on Access to Electronic Court Records. As Chairman of the Senate Republican High-Tech Task Force, I appreciate how such cutting edge efforts can benefit all Americans at low cost.

As I travel throughout Utah talking to lawyers and judges, the unanimous opinion is that Judge Nuffer has the experience, temperament, and integrity to be a great Federal judge. It was no surprise when the American Bar Association unanimously gave him its highest rating. I thank my colleagues for their support of this fine nominee.

Mr. LEAHY. I would note, on this side, at least—I know we have to have a rollcall on this first nominee. I will have no objection if there are voice votes on the next two. That would be up to others. But on the first one I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of David Nuffer, of Utah, to be United States District Judge for the District of Utah.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. HELLER) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 57 Ex.]

#### YEAS—96

Akaka	Cantwell	Enzi
Alexander	Cardin	Feinstein
Ayotte	Carper	Franken
Barrasso	Casey	Gillibrand
Baucus	Chambliss	Graham
Begich	Coats	Grassley
Bennet	Coburn	Hagan
Bingaman	Cochran	Harkin
Blumenthal	Collins	Hatch
Blunt	Conrad	Hoeven
Boozman	Coons	Hutchinson
Boxer	Corker	Inhofe
Brown (MA)	Cornyn	Inouye
Brown (OH)	Crapo	Isakson
Burr	Durbin	Johanns

Johnson (SD)	Merkley	Schumer
Johnson (WI)	Mikulski	Sessions
Kerry	Moran	Shaheen
Klobuchar	Murkowski	Shelby
Kohl	Murray	Snowe
Kyl	Nelson (NE)	Stabenow
Landrieu	Nelson (FL)	Tester
Lautenberg	Paul	Thune
Leahy	Portman	Toomey
Levin	Pryor	Udall (CO)
Lieberman	Reed	Udall (NM)
Lugar	Reid	Vitter
Manchin	Risch	Warner
McCain	Roberts	Webb
McCaskill	Rockefeller	Whitehouse
McConnell	Rubio	Wicker
Menendez	Sanders	Wyden

#### NAYS—2

DeMint

Lee

#### NOT VOTING—2

Heller

Kirk

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, there will be now be 2 minutes of debate equally divided prior to a vote in relation to the Abrams nomination.

Who yields time?

The majority leader.

Mr. REID. Madam President, we expect this to be the last vote. I am told that we have worked something out so the next judge we can do by voice. This will be the last vote of the week.

Mrs. GILLIBRAND. Madam President, I am honored to offer my strong support for the nomination of Ronnie Abrams to the United States District Court for the Southern District of New York. I also want to thank President Obama for acting on my recommendation and nominating another superbly qualified woman jurist to the Federal bench.

I have had the privilege of knowing Ms. Abrams for many years. I know her as a fairminded woman of great integrity. Throughout her distinguished legal career, she has proven herself as an exceptional attorney. As Deputy Chief of the Criminal Division for the United States Attorney's Office of the Southern District of New York, she supervised hundreds of prosecutions, including violent crime, organized crime, white-collar crime, public corruption, drug trafficking, and crimes against children.

Her record shows her commitment to justice. I can tell you she has a deep and sincere commitment to public service. There is no question that Ms. Abrams is extremely well qualified and well suited to be a Federal judge.

I strongly believe our Nation needs more women such as her serving on the Federal judiciary, an institution that I believe needs more exceptional women. I believe it is incredibly important that we do reach the point of balance in the judiciary. I recommend her most highly.

The PRESIDING OFFICER (Mr. SANDERS). Who yields time in opposition?

Mr. GRASSLEY. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of

Ronnie Abrams, of New York, to be United States District Judge for the Southern District of New York?

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. HELLER) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 58 Ex.]

#### YEAS—96

Akaka	Franken	Moran
Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Paul
Bennet	Hatch	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchinson	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Shelby
Chambliss	Landrieu	Snowe
Coats	Lautenberg	Stabenow
Coburn	Leahy	Tester
Cochran	Levin	Thune
Collins	Lieberman	Toomey
Conrad	Lugar	Udall (CO)
Coons	Manchin	Udall (NM)
Corker	McCain	Vitter
Cornyn	McCaskill	Warner
Crapo	McConnell	Webb
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Feinstein	Mikulski	Wyden

#### NAYS—2

DeMint

Lee

#### NOT VOTING—2

Heller

Kirk

The nomination was confirmed.

The PRESIDING OFFICER. The question is on agreeing to the nomination of Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia.

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### REPEAL BIG OIL TAX SUBSIDIES ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 337, S. 2204.

The PRESIDING OFFICER. The clerk will report the bill by title.